

1 AN ACT in relation to public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Sections 3-110.8, 4-109.3, 5-168, 5-178, 7-139.11, 8-163,
6 9-156, 9-158, 9-159, 10-103, 11-158, 14-110, by renumbering and
7 changing Section 3-110.9 as added by Public Act 95-530 and
8 Section 7-139.12 as added by Public Act 95-530, and by adding
9 Sections 5-214.2, 6-151.2, and 10-109 as follows:

10 (40 ILCS 5/3-110.8)

11 Sec. 3-110.8. Transfer to IMRF.

12 (a) Until January 1, 2009 ~~2008~~, any active member of the
13 Illinois Municipal Retirement Fund may apply to transfer up to
14 ~~who has less than~~ 8 years of creditable service in a police
15 pension fund under this Article, ~~may apply for transfer of his~~
16 ~~or her creditable service accumulated in that fund~~ to the
17 Illinois Municipal Retirement Fund. The creditable service
18 shall be transferred upon payment by the police pension fund to
19 the Illinois Municipal Retirement Fund of an amount equal to:

20 (1) the amounts accumulated to the credit of the
21 applicant on the books of the fund on the date of transfer;
22 and

23 (2) employer contributions in an amount equal to the

1 amount determined under subparagraph (1); and
2 (3) any interest paid by the applicant in order to
3 reinstate service.

4 Creditable service transferred to the Illinois Municipal
5 Retirement Fund under this Section shall terminate on the date
6 of the transfer. Participation in this Fund shall terminate on
7 the date of transfer.

8 (b) Until January 1, 2009 ~~2008~~, any active member of the
9 Illinois Municipal Retirement Fund ~~member under subsection (a)~~
10 may reinstate all or any portion of his or her service that
11 ~~which~~ was terminated by receipt of a refund, by payment to the
12 police pension fund of the amount of the refund with interest
13 thereon at the actuarially assumed rate ~~of 6% per year~~,
14 compounded annually, from the date of refund to the date of
15 payment.

16 (Source: P.A. 94-356, eff. 7-29-05; 95-530, eff. 8-28-07.)

17 (40 ILCS 5/3-110.10)

18 Sec. 3-110.10 ~~3-110.9~~. Transfer from Article 7. Until
19 January 1, 2009 ~~2008~~, a person may transfer to a fund
20 established under this Article up to 8 years of creditable
21 service accumulated under Article 7 of this Code upon payment
22 to the fund of an amount to be determined by the board, equal
23 to (i) the difference between the amount of employee and
24 employer contributions transferred to the fund under Section
25 7-139.11 and the amounts that would have been contributed had

1 such contributions been made at the rates applicable to an
2 employee under this Article, plus (ii) interest thereon at the
3 actuarially assumed ~~effective rate for each year~~, compounded
4 annually, from the date of service to the date of payment.

5 (Source: P.A. 95-530, eff. 8-28-07; revised 12-6-07.)

6 (40 ILCS 5/4-109.3)

7 Sec. 4-109.3. Employee creditable service.

8 (a) As used in this Section:

9 "Final monthly salary" means the monthly salary attached to
10 the rank held by the firefighter at the time of his or her last
11 withdrawal from service under a particular pension fund.

12 "Last pension fund" means the pension fund in which the
13 firefighter was participating at the time of his or her last
14 withdrawal from service.

15 (b) The benefits provided under this Section are available
16 only to a firefighter who:

17 (1) is a firefighter at the time of withdrawal from the
18 last pension fund and for at least the final 3 years of
19 employment prior to that withdrawal;

20 (2) has established service credit with at least one
21 pension fund established under this Article other than the
22 last pension fund;

23 (3) has a total of at least 20 years of service under
24 the various pension funds established under this Article
25 and has attained age 50; and

1 (4) is in service on or after the effective date of
2 this amendatory Act of the 93rd General Assembly.

3 (c) A firefighter who is eligible for benefits under this
4 Section may elect to receive a retirement pension from each
5 pension fund under this Article in which the firefighter has at
6 least one year of service credit but has not received a refund
7 under Section 4-116 (unless the firefighter repays that refund
8 under subsection (g)) or subsection (c) of Section 4-118.1, by
9 applying in writing and paying the contribution required under
10 subsection (i).

11 (d) From each such pension fund other than the last pension
12 fund, in lieu of any retirement pension otherwise payable under
13 this Article, a firefighter to whom this Section applies may
14 elect to receive a monthly pension of 1/12th of 2.5% of his or
15 her final monthly salary under that fund for each month of
16 service in that fund, subject to a maximum of 75% of that final
17 monthly salary.

18 (e) From the last pension fund, in lieu of any retirement
19 pension otherwise payable under this Article, a firefighter to
20 whom this Section applies may elect to receive a monthly
21 pension calculated as follows:

22 The last pension fund shall calculate the retirement
23 pension that would be payable to the firefighter under
24 subsection (a) of Section 4-109 as if he or she had
25 participated in that last pension fund during his or her entire
26 period of service under all pension funds established under

1 this Article (excluding any period of service for which the
2 firefighter has received a refund under Section 4-116, unless
3 the firefighter repays that refund under subsection (g), or for
4 which the firefighter has received a refund under subsection
5 (c) of Section 4-118.1). From this hypothetical pension there
6 shall be subtracted the original amounts of the retirement
7 pensions payable to the firefighter by all other pension funds
8 under subsection (d). The remainder is the retirement pension
9 payable to the firefighter by the last pension fund under this
10 subsection (e).

11 (f) Pensions elected under this Section shall be subject to
12 increases as provided in subsection (d) of Section 4-109.1.

13 (g) A current firefighter may reinstate creditable service
14 in a pension fund established under this Article that was
15 terminated upon receipt of a refund, by payment to that pension
16 fund of the amount of the refund together with interest thereon
17 at the rate of 6% per year, compounded annually, from the date
18 of the refund to the date of payment. A repayment of a refund
19 under this Section may be made in equal installments over a
20 period of up to 10 years, but must be paid in full prior to
21 retirement.

22 (h) As a condition of being eligible for the benefits
23 provided in this Section, a person who is hired to a position
24 as a firefighter on or after July 1, 2004 must, within 21
25 months after being hired, notify the new employer, all of his
26 or her previous employers under this Article, and the Public

1 Pension Division of the Division of Insurance of the Department
2 of Financial and Professional Regulation of his or her intent
3 to receive the benefits provided under this Section.

4 (i) In order to receive a pension under this Section or an
5 occupational disease disability pension for which he or she
6 becomes eligible due to the application of subsection (m) of
7 this Section, a firefighter must pay to each pension fund from
8 which he or she has elected to receive a pension under this
9 Section a contribution equal to 1% of monthly salary for each
10 month of service credit that the firefighter has in that fund
11 (other than service credit for which the firefighter has
12 already paid the additional contribution required under
13 subsection (c) of Section 4-118.1), together with interest
14 thereon at the rate of 6% per annum, compounded annually, from
15 the firefighter's first day of employment with that fund or the
16 first day of the fiscal year of that fund that immediately
17 precedes the firefighter's first day of employment with that
18 fund, whichever is earlier.

19 In order for a firefighter who, as of the effective date of
20 this amendatory Act of the 93rd General Assembly, has not begun
21 to receive a pension under this Section or an occupational
22 disease disability pension under subsection (m) of this Section
23 and who has contributed 1/12th of 1% of monthly salary for each
24 month of service credit that the firefighter has in that fund
25 (other than service credit for which the firefighter has
26 already paid the additional contribution required under

1 subsection (c) of Section 4-118.1), together with the required
2 interest thereon, to receive a pension under this Section or an
3 occupational disease disability pension for which he or she
4 becomes eligible due to the application of subsection (m) of
5 this Section, the firefighter must, within one year after the
6 effective date of this amendatory Act of the 93rd General
7 Assembly, make an additional contribution equal to 11/12ths of
8 1% of monthly salary for each month of service credit that the
9 firefighter has in that fund (other than service credit for
10 which the firefighter has already paid the additional
11 contribution required under subsection (c) of Section
12 4-118.1), together with interest thereon at the rate of 6% per
13 annum, compounded annually, from the firefighter's first day of
14 employment with that fund or the first day of the fiscal year
15 of that fund that immediately precedes the firefighter's first
16 day of employment with the fund, whichever is earlier. A
17 firefighter who, as of the effective date of this amendatory
18 Act of the 93rd General Assembly, has not begun to receive a
19 pension under this Section or an occupational disease
20 disability pension under subsection (m) of this Section and who
21 has contributed 1/12th of 1% of monthly salary for each month
22 of service credit that the firefighter has in that fund (other
23 than service credit for which the firefighter has already paid
24 the additional contribution required under subsection (c) of
25 Section 4-118.1), together with the required interest thereon,
26 in order to receive a pension under this Section or an

1 occupational disease disability pension under subsection (m)
2 of this Section, may elect, within one year after the effective
3 date of this amendatory Act of the 93rd General Assembly to
4 forfeit the benefits provided under this Section and receive a
5 refund of that contribution.

6 (j) A retired firefighter who is receiving pension payments
7 under Section 4-109 may reenter active service under this
8 Article. Subject to the provisions of Section 4-117, the
9 firefighter may receive credit for service performed after the
10 reentry if the firefighter (1) applies to receive credit for
11 that service, (2) suspends his or her pensions under this
12 Section, and (3) makes the contributions required under
13 subsection (i).

14 (k) A firefighter who is newly hired or promoted to a
15 position as a firefighter shall not be denied participation in
16 a fund under this Article based on his or her age.

17 (l) If a firefighter who elects to make contributions under
18 subsection (c) of Section 4-118.1 for the pension benefits
19 provided under this Section becomes entitled to a disability
20 pension under Section 4-110, the last pension fund is
21 responsible to pay that disability pension and the amount of
22 that disability pension shall be based only on the
23 firefighter's service with the last pension fund.

24 (m) Notwithstanding any provision in Section 4-110.1 to the
25 contrary, if a firefighter who elects to make contributions
26 under subsection (c) of Section 4-118.1 for the pension

1 benefits provided under this Section becomes entitled to an
2 occupational disease disability pension under Section 4-110.1,
3 each pension fund to which the firefighter has made
4 contributions under subsection (c) of Section 4-118.1 must pay
5 a portion of that occupational disease disability pension equal
6 to the proportion that the firefighter's service credit with
7 that pension fund for which the contributions under subsection
8 (c) of Section 4-118.1 have been made bears to the
9 firefighter's total service credit with all of the pension
10 funds for which the contributions under subsection (c) of
11 Section 4-118.1 have been made. A firefighter who has made
12 contributions under subsection (c) of Section 4-118.1 for at
13 least 5 years of creditable service shall be deemed to have met
14 the 5-year creditable service requirement under Section
15 4-110.1, regardless of whether the firefighter has 5 years of
16 creditable service with the last pension fund.

17 (n) If a firefighter who elects to make contributions under
18 subsection (c) of Section 4-118.1 for the pension benefits
19 provided under this Section becomes entitled to a disability
20 pension under Section 4-111, the last pension fund is
21 responsible to pay that disability pension, provided that the
22 firefighter has at least 7 years of creditable service with the
23 last pension fund. In the event a firefighter began employment
24 with a new employer as a result of an intergovernmental
25 agreement that resulted in the elimination of the previous
26 employer's fire department, the firefighter shall not be

1 required to have 7 years of creditable service with the last
2 pension fund to qualify for a disability pension under Section
3 4-111. Under this circumstance, a firefighter shall be required
4 to have 7 years of total combined creditable service time to
5 qualify for a disability pension under Section 4-111. The
6 disability pension received pursuant to this Section shall be
7 paid by the previous employer and new employer in proportion to
8 the firefighter's years of service with each employer.

9 (Source: P.A. 93-689, eff. 7-1-04; 93-1090, eff. 3-11-05.)

10 (40 ILCS 5/5-168) (from Ch. 108 1/2, par. 5-168)

11 Sec. 5-168. Financing.

12 (a) Except as expressly provided in this Section, the city
13 shall levy a tax annually upon all taxable property therein for
14 the purpose of providing revenue for the fund.

15 The tax shall be at a rate that will produce a sum which,
16 when added to the amounts deducted from the policemen's
17 salaries and the amounts deposited in accordance with
18 subsection (g), is sufficient for the purposes of the fund.

19 For the years 1968 and 1969, the city council shall levy a
20 tax annually at a rate on the dollar of the assessed valuation
21 of all taxable property that will produce, when extended, not
22 to exceed \$9,700,000. Beginning with the year 1970 and each
23 year thereafter the city council shall levy a tax annually at a
24 rate on the dollar of the assessed valuation of all taxable
25 property that will produce when extended an amount not to

1 exceed the total amount of contributions by the policemen to
2 the Fund made in the calendar year 2 years before the year for
3 which the applicable annual tax is levied, multiplied by 1.40
4 for the tax levy year 1970; by 1.50 for the year 1971; by 1.65
5 for 1972; by 1.85 for 1973; by 1.90 for 1974; by 1.97 for 1975
6 through 1981; by 2.00 for 1982 and for each year thereafter.
7 For the purposes of this subsection (a), contributions by the
8 policeman to the Fund shall not include payments made by a
9 policeman to establish credit under Section 5-214.2 of this
10 Code.

11 (b) The tax shall be levied and collected in like manner
12 with the general taxes of the city, and is in addition to all
13 other taxes which the city is now or may hereafter be
14 authorized to levy upon all taxable property therein, and is
15 exclusive of and in addition to the amount of tax the city is
16 now or may hereafter be authorized to levy for general purposes
17 under any law which may limit the amount of tax which the city
18 may levy for general purposes. The county clerk of the county
19 in which the city is located, in reducing tax levies under
20 Section 8-3-1 of the Illinois Municipal Code, shall not
21 consider the tax herein authorized as a part of the general tax
22 levy for city purposes, and shall not include the tax in any
23 limitation of the percent of the assessed valuation upon which
24 taxes are required to be extended for the city.

25 (c) On or before January 10 of each year, the board shall
26 notify the city council of the requirement that the tax herein

1 authorized be levied by the city council for that current year.
2 The board shall compute the amounts necessary for the purposes
3 of this fund to be credited to the reserves established and
4 maintained within the fund; shall make an annual determination
5 of the amount of the required city contributions; and shall
6 certify the results thereof to the city council.

7 As soon as any revenue derived from the tax is collected it
8 shall be paid to the city treasurer of the city and shall be
9 held by him for the benefit of the fund in accordance with this
10 Article.

11 (d) If the funds available are insufficient during any year
12 to meet the requirements of this Article, the city may issue
13 tax anticipation warrants against the tax levy for the current
14 fiscal year.

15 (e) The various sums, including interest, to be contributed
16 by the city, shall be taken from the revenue derived from such
17 tax or otherwise as expressly provided in this Section. Any
18 moneys of the city derived from any source other than the tax
19 herein authorized shall not be used for any purpose of the fund
20 nor the cost of administration thereof, unless applied to make
21 the deposit expressly authorized in this Section or the
22 additional city contributions required under subsection (h).

23 (f) If it is not possible or practicable for the city to
24 make its contributions at the time that salary deductions are
25 made, the city shall make such contributions as soon as
26 possible thereafter, with interest thereon to the time it is

1 made.

2 (g) In lieu of levying all or a portion of the tax required
3 under this Section in any year, the city may deposit with the
4 city treasurer no later than March 1 of that year for the
5 benefit of the fund, to be held in accordance with this
6 Article, an amount that, together with the taxes levied under
7 this Section for that year, is not less than the amount of the
8 city contributions for that year as certified by the board to
9 the city council. The deposit may be derived from any source
10 legally available for that purpose, including, but not limited
11 to, the proceeds of city borrowings. The making of a deposit
12 shall satisfy fully the requirements of this Section for that
13 year to the extent of the amounts so deposited. Amounts
14 deposited under this subsection may be used by the fund for any
15 of the purposes for which the proceeds of the tax levied under
16 this Section may be used, including the payment of any amount
17 that is otherwise required by this Article to be paid from the
18 proceeds of that tax.

19 (h) In addition to the contributions required under the
20 other provisions of this Article, by November 1 of the
21 following specified years, the city shall deposit with the city
22 treasurer for the benefit of the fund, to be held and used in
23 accordance with this Article, the following specified amounts:
24 \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in 2001;
25 \$5,040,000 in 2002; and \$4,620,000 in 2003.

26 The additional city contributions required under this

1 subsection are intended to decrease the unfunded liability of
2 the fund and shall not decrease the amount of the city
3 contributions required under the other provisions of this
4 Article. The additional city contributions made under this
5 subsection may be used by the fund for any of its lawful
6 purposes.

7 (Source: P.A. 93-654, eff. 1-16-04.)

8 (40 ILCS 5/5-178) (from Ch. 108 1/2, par. 5-178)

9 Sec. 5-178. Board created. A board of 8 members shall
10 constitute a board of trustees authorized to administer the
11 provisions of this Article. The board shall be known as the
12 Retirement Board of the Policemen's Annuity and Benefit Fund of
13 the city.

14 The board shall consist of 4 persons appointed by the mayor
15 of the city; 3 policemen employed by the city, at least one of
16 whom shall be a lieutenant or of a rank superior to lieutenant,
17 one of whom shall be of the rank of sergeant, and one of whom
18 shall be of the rank of investigator or a rank inferior to that
19 rank; and one annuitant of the fund, or a pensioner of any
20 prior police pension fund in operation, by authority of law, in
21 the city. Children less than age 18 shall not be eligible for
22 board membership. The term of office for all members shall be 3
23 years. For the election to be held in 2008 only, the terms for
24 the member who is a lieutenant or of a rank superior to
25 lieutenant and the member who is a sergeant shall be 3 years

1 and the terms for the member who is an investigator or a rank
2 inferior to that rank and the annuitant member shall be 4
3 years. After the terms of the 2008 election are completed, the
4 terms revert to 3-year terms for each elected trustee. Upon his
5 election, the member holding the rank of investigator or a rank
6 inferior to that rank shall be detailed by the Police
7 Superintendent to the office of the board for the duration of
8 his term as trustee.

9 The members of a retirement board holding office in a city
10 at the time this Article becomes effective, including elected,
11 appointed and ex-officio members, shall continue in office
12 until the expiration of their respective terms or appointment
13 and until their respective successors are elected or appointed,
14 and qualified.

15 At least 30 days prior to the expiration of the term of
16 office of each appointive member the mayor shall appoint a
17 successor for a term of 3 years.

18 The board shall conduct a regular election at least 30 days
19 prior to the expiration of the terms of the active policemen
20 members and annuitant or beneficiary members for election of a
21 successor of each such member for a term of 3 years.

22 Any member of the board so appointed or elected shall
23 continue in office until his successor is selected and has
24 qualified.

25 Any person so appointed or elected shall qualify by taking
26 an oath of office. A copy thereof shall be kept in the office

1 of the city clerk of the city.

2 (Source: P.A. 86-273.)

3 (40 ILCS 5/5-214.2 new)

4 Sec. 5-214.2. Credit for certain law enforcement service.

5 An active policeman who is a member of this Fund on or before
6 the effective date of this Section may establish up to 10 years
7 of additional service credit in 6-month increments for service
8 in a law enforcement capacity under Articles 3, 7, 9, 10, 13,
9 14, and 15 and Division 1 of Article 22 or as a law enforcement
10 officer with the Chicago Housing Authority, provided that: (1)
11 service credit is not available for that employment under any
12 other provision of this Article; (2) any service credit for
13 that employment received under any other provision of this Code
14 or under the retirement plan of the Chicago Housing Authority
15 has been terminated; and (3) the policeman applies for this
16 credit in writing within one year after the effective date of
17 this Section and pays to the Fund within 5 years after the date
18 of application an amount to be determined by the Fund in
19 accordance with this Section.

20 An active policeman who becomes a member of this Fund after
21 the effective date of this Section may establish up to 10 years
22 of additional service credit in 6-month increments for service
23 in a law enforcement capacity under Articles 3, 7, 9, 10, 13,
24 14, and 15 and Division 1 of Article 22 or as a law enforcement
25 officer with the Chicago Housing Authority, provided that: (1)

1 service credit is not available for that employment under any
2 other provision of this Article; (2) any service credit for
3 that employment received under any other provision of this Code
4 or under the retirement plan of the Chicago Housing Authority
5 has been terminated; and (3) the policeman applies for this
6 credit in writing within 2 years after he or she begins
7 employment under this Article and pays to the Fund within 5
8 years after the date of application an amount to be determined
9 by the Fund in accordance with this Section.

10 The Fund must determine the policeman's payment required to
11 establish creditable service under this Section by taking into
12 account the appropriate actuarial assumptions, including
13 without limitation the police officer's service, age, and
14 salary history; the level of funding of the Fund; and any other
15 factors that the Fund determines to be relevant. For this
16 purpose, the policeman's required payment should result in no
17 significant increase to the Fund's unfunded actuarial accrued
18 liability determined as of the most recent actuarial valuation,
19 based on the same assumptions and methods used to develop and
20 report the Fund's actuarial accrued liability and actuarial
21 value of assets under Statement No. 25 of Governmental
22 Accounting Standards Board or any subsequent applicable
23 Statement.

24 (40 ILCS 5/6-151.2 new)

25 Sec. 6-151.2. Disability benefits; terminally ill.

1 Notwithstanding any other provision of Sections 6-151,
2 6-151.1, and 6-154, an active fireman who is certified to be
3 terminally ill by a Board-appointed physician may, upon such
4 certification, make application with the Board for a
5 determination that the participant is eligible to receive a
6 disability benefit, even though, at the time, the participant
7 has the right to receive salary. However, an active fireman may
8 not receive any such disability benefit payments at the same
9 time the participant receives salary.

10 (40 ILCS 5/7-139.11)

11 Sec. 7-139.11. Transfer to Article 3 pension fund.

12 (a) Until January 1, 2009 ~~2008~~, a person who has become an
13 active participant in a police pension fund established under
14 Article 3 of this Code may transfer ~~who has~~ less than 8 years
15 of creditable service under this Article ~~and who has become an~~
16 ~~active participant in a police pension fund established under~~
17 ~~Article 3 of this Code may apply for transfer to that Article 3~~
18 ~~fund of his or her creditable service accumulated under this~~
19 ~~Article~~. At the time of the transfer the Fund shall pay to the
20 police pension fund an amount equal to:

21 (1) the amounts accumulated to the credit of the
22 applicant under this Article, including interest; and

23 (2) the municipality credits based on that service,
24 including interest; and

25 (3) any interest paid by the applicant in order to

1 reinstate that service.

2 Participation in this Fund with respect to the transferred
3 credits shall terminate on the date of transfer.

4 (b) An active member of a pension fund established under
5 Article 3 of this Code may reinstate creditable service under
6 this Article that was terminated by receipt of a refund, by
7 paying to the Fund the amount of the refund plus interest
8 thereon at the actuarially assumed rate ~~of 6% per year,~~
9 compounded annually, from the date of refund to the date of
10 payment.

11 (Source: P.A. 94-356, eff. 7-29-05; 95-530, eff. 8-28-07.)

12 (40 ILCS 5/7-139.13)

13 Sec. 7-139.13 ~~7-139.12~~. Transfer from Article 3.
14 Notwithstanding subdivision (a)10 of Section 7-139, from the
15 effective date of this amendatory Act of the 95th General
16 Assembly until ~~Until~~ January 1, 2009 ~~2008~~, a person may
17 transfer to the Illinois Municipal Retirement System ~~Systems~~ up
18 to 8 years of creditable service accumulated under Article 3 of
19 this Code. To establish creditable service under this Section,
20 a person may elect to do either of the following:

21 (A) Pay ~~upon payment~~ to the Fund ~~of~~ an amount to be
22 determined by the board, equal to (i) the difference
23 between the amount of employee and employer contributions
24 transferred to the Fund under Section 3-110.8 and the
25 amounts that would have been contributed had such

1 contributions been made at the rates applicable to an
2 employee under this Article, plus (ii) interest thereon at
3 the actuarially assumed ~~effective~~ rate ~~for each year~~,
4 compounded annually, from the date of service to the date
5 of payment.

6 (B) Have the amount of his or her creditable service
7 established under this Section reduced by an amount
8 corresponding to the amount by which (i) the employer and
9 employee contributions that would have been required if he
10 had participated in this Fund during the period for which
11 credit is being transferred, plus interest thereon at the
12 actuarially assumed rate, compounded annually, from the
13 date of termination of the service for which credit is
14 being transferred to the date of payment, exceeds (ii) the
15 amount actually transferred to the Fund.

16 (Source: P.A. 95-530, eff. 8-28-07; revised 12-6-07.)

17 (40 ILCS 5/8-163) (from Ch. 108 1/2, par. 8-163)

18 Sec. 8-163. When disability benefit not payable.

19 (a) If an employee receiving duty or ordinary disability
20 benefit refuses to submit to examination by a physician
21 appointed by the board, or fails or refuses to consent to and
22 sign an authorization allowing the board to receive copies of
23 or examine the employee's medical and hospital records, or
24 fails or refuses to provide complete information regarding any
25 other employment for compensation he has received since he has

1 become disabled, he shall have no further right to receive the
2 benefit.

3 (b) Disability benefit shall not be paid for any time for
4 which the employee receives any part of his salary or is
5 employed by any public body supported in whole or in part by
6 taxation.

7 (c) Before any action is taken by the Board on an
8 application for a duty disability benefit or a widow's
9 compensation or supplemental benefit, the employee or widow
10 shall file a claim with the employer to establish that the
11 disability or death occurred while the employee was acting
12 within the scope of and in the course of his or her duties.

13 Any amounts provided to the employee or surviving spouse as
14 temporary total disability payments, permanent total
15 disability payments, a lump sum settlement award, or other
16 payment under the Workers' Compensation Act or the Workers'
17 Occupational Diseases Act shall be applied as an offset to the
18 disability benefit paid by the Fund, whether duty or ordinary,
19 or any widow compensation or supplemental benefit payable under
20 this Article until a period of time has elapsed when the
21 benefit payable equals the amount of such compensation,
22 payment, or award. The duty disability benefit shall be offset
23 at the rate of the amount of temporary total disability
24 payments or permanent disability payments made under the
25 Workers' Compensation Act or the Workers' Occupational
26 Diseases Act.

1 If such amounts are not readily determinable or if an
2 employee has not received temporary total disability payments
3 or permanent weekly or monthly payments for the entire period
4 of disability up to the time of the compensation, payment, or
5 award under the Workers' Compensation Act or the Workers'
6 Occupational Diseases Act, the disability benefit paid by the
7 Fund shall be offset by 66 2/3% of the employee's salary on the
8 date of disablement. The offset shall not be greater than the
9 amount of disability benefits due from the Fund. The offset
10 shall be applied until a period of time has elapsed when the
11 benefit payable equals the amount of such compensation,
12 payment, or award. This offset shall not apply to the initial
13 days of disability when workers' compensation would not
14 ordinarily be payable.

15 The amount of compensation or supplemental annuity payable
16 to a widow shall be offset by any compensation, payment, or
17 award until a period of time has elapsed when the benefit
18 payable equals the amount of such compensation, payment, or
19 award.

20 Any employee or former employee whose disability benefits
21 were offset, or who was notified by the Fund that his or her
22 disability benefits will be offset, by a rate higher than the
23 temporary total disability payments or permanent disability
24 payments, or if these were not determinable, by 66 2/3% of
25 salary at the date of disablement, may apply to the Fund for a
26 refund of the excess offset, without interest, or an adjustment

1 to his or her account. This application must be made within 6
2 months after the effective date of this amendatory Act of the
3 95th General Assembly.

4 If an employee who has been disabled has received ordinary
5 disability from the Fund and also receives any compensation or
6 payment for specific loss, disability, or death under the
7 Workers' Compensation Act or the Workers' Occupational
8 Diseases Act, then the ordinary disability benefit must be
9 repaid to the Fund before any other benefit under this Article
10 may be granted or paid. If no other benefit is applied for,
11 then the ordinary disability is offset according to the
12 provisions of this Section.

13 The employee and the employer shall provide the Fund, on a
14 timely basis, with the entry of the settlement contract lump
15 sum petition and order settlement of any such lawsuit,
16 including all details of the settlement.

17 ~~If an employee who shall be disabled or his widow receives~~
18 ~~any compensation or payment from the city for specific loss,~~
19 ~~disability or death under the Workers' Compensation Act, or~~
20 ~~Workers' Occupational Diseases Act, the disability benefit or~~
21 ~~compensation or supplemental annuity payable as a result of~~
22 ~~such specific loss, disability or death shall be reduced by any~~
23 ~~amount so received if such amount is less than the benefit or~~
24 ~~annuity or, subject to adjustment when final determination of~~
25 ~~the amount received can be made, the amount estimated to be~~
26 ~~received under the provisions of the Workers' Compensation Act~~

1 ~~er Workers' Occupational Diseases Act. If the amount received~~
2 ~~as compensation payment or award under the aforesaid Acts~~
3 ~~exceeds the disability benefit or compensation or supplemental~~
4 ~~annuity payable as a result of such specific loss, disability~~
5 ~~or death, no payment of disability benefit or compensation or~~
6 ~~supplemental annuity shall be made until a period of time has~~
7 ~~elapsed when the benefit or compensation or supplemental~~
8 ~~annuity payable at the rate herein stated equals the amount of~~
9 ~~such compensation, payment or award. In calculating any such~~
10 ~~period of time, interest upon the amounts involved shall not be~~
11 ~~considered.~~

12 (d) An employee who enters service after December 31, 1987,
13 or an employee who makes application for a disability benefit
14 or applies for a disability benefit for a recurrence of a
15 previous disability, and who, while in receipt of an ordinary
16 or duty disability benefit, assumes any employment for
17 compensation, shall not be entitled to receive any amount of
18 such disability benefit which, when added to his compensation
19 for such employment during disability, plus any amount payable
20 under the provisions of the Workers' Compensation Act or
21 Workers' Occupational Diseases Act, would exceed the rate of
22 salary on which his disability benefit is based.

23 (Source: P.A. 85-964.)

24 (40 ILCS 5/9-156) (from Ch. 108 1/2, par. 9-156)

25 Sec. 9-156. Duty disability benefit - Child's disability

1 benefit. An employee who becomes disabled after the effective
2 date while under age 65 and prior to January 1, 1979, or while
3 under age 70 after January 1, 1979 and prior to January 1,
4 1987, as the result of injury incurred - on or after the date
5 he has been included under this Article - in the performance of
6 an act or acts of duty shall have a right to receive duty
7 disability benefit, during any period of such disability for
8 which he receives no salary. Any employee who becomes disabled
9 after January 1, 1987, as the result of injury incurred on or
10 after the date he has been included under the Article and in
11 the performance of an act or acts of duty, shall have a right
12 to receive a duty disability benefit during any period of such
13 disability for which he receives no salary. The benefit shall
14 be 75% of salary at date of injury; provided, that if
15 disability, in any measure, has resulted from any physical
16 defect or disease which existed at the time such injury was
17 sustained, the duty disability benefit shall be 50% of salary
18 at date of such injury.

19 The employee shall also have a right to receive child's
20 disability benefit of \$10 a month on account of each child less
21 than age 18. Child's disability benefits shall not exceed 15%
22 of the salary as aforesaid.

23 These benefits shall not be allowed unless application
24 therefor is made while the disability exists; except that this
25 limitation does not apply if the board finds that there was
26 reasonable cause for delay in filing the application while the

1 disability existed. This amendatory Act of the 95th General
2 Assembly is intended to be a restatement and clarification of
3 existing law and does not imply that application for a duty
4 disability benefit made after the disability had ceased,
5 without a finding of reasonable cause, was previously allowed
6 under this Article.

7 The first payment of duty disability or child's disability
8 benefit shall be made not later than one month after such
9 benefit is granted and each subsequent payment shall be made
10 not later than one month after the last preceding payment.

11 Duty disability benefit is payable during disability until
12 the employee attains age 65 if the disability commences prior
13 to January 1, 1979. If the disability commences on or after
14 January 1, 1979, the benefit prescribed herein shall be payable
15 during disability until the employee attains age 65 for
16 disability commencing prior to age 60, or for a period of 5
17 years or until attainment of age 70, whichever occurs first,
18 for disability commencing at age 60 or older and on or after
19 January 1, 1979 but prior to January 1, 1987. If the disability
20 commences on or after January 1, 1987, the benefit prescribed
21 herein shall be payable during disability for a period of 5
22 years for disability commencing at age 60 or older. In either
23 case, child's disability benefit shall be paid to the employee
24 parent of any unmarried child less than age 18, during such
25 time until the child marries or attains age 18. The employee
26 shall thereafter receive such annuity as is otherwise provided

1 under this Article.

2 Any employee whose duty disability benefit was terminated
3 on or after January 1, 1987 by reason of his attainment of age
4 70, and who continues to be disabled after age 70, may elect
5 before March 31, 1988, to have such benefits resumed beginning
6 at the time of such termination and continuing until
7 termination is required under this Section as amended by this
8 amendatory Act of 1987. The amount payable to any employee for
9 such resumed benefit for any period shall be reduced by the
10 amount of any retirement annuity paid to such employee under
11 this Article for the same period of time or by any refund paid
12 in lieu of annuity.

13 (Source: P.A. 85-964.)

14 (40 ILCS 5/9-158) (from Ch. 108 1/2, par. 9-158)

15 Sec. 9-158. Proof of disability, duty and ordinary.

16 Proof of duty or ordinary disability shall be furnished to
17 the board by at least one licensed and practicing physician
18 appointed by the board. With respect to duty disability,
19 satisfactory proof must be provided to the board that the final
20 adjudication of the claim required under subsection (d) of
21 Section 9-159 established that the disability or death resulted
22 from an injury incurred in the performance of an act or acts of
23 duty. The board may require other evidence of disability. Each
24 disabled employee who receives duty or ordinary disability
25 benefit shall be examined at least once a year by one or more

1 licensed and practicing physicians appointed by the board. When
2 the disability ceases, the board shall discontinue payment of
3 the benefit and the employee shall be returned to active
4 service.

5 (Source: Laws 1963, p. 161.)

6 (40 ILCS 5/9-159) (from Ch. 108 1/2, par. 9-159)

7 Sec. 9-159. When disability benefit not payable.

8 (a) If an employee receiving duty disability or ordinary
9 disability benefit refuses to submit to examination by a
10 physician appointed by the board, he shall have no further
11 right to receive the benefit.

12 (b) Disability benefit shall not be paid for any time for
13 which the employee receives any part of his salary, or while
14 employed by any public body supported in whole or in part by
15 taxation.

16 (c) If an employee who shall be disabled, or his widow or
17 children receive any compensation or payment from the county
18 for specific loss, disability or death under the Workers'
19 Compensation Act or Workers' Occupational Diseases Act, the
20 disability benefit or any annuity for him or his widow or
21 children payable as the result of such specific loss,
22 disability or death shall be reduced by any amount so received
23 or recoverable. If the amount received as such compensation or
24 payment exceeds such disability benefit or other annuity
25 payable as the result of such specific loss, disability or

1 death, no payment of disability benefit or other annuity shall
2 be made until the accumulative amounts thereof equals the
3 amount of such compensation or payment. In such calculation no
4 interest shall be considered. In adjusting the amount of any
5 annuity in relation to compensation received or recoverable
6 during any period of time, the annuity to the widow shall be
7 first reduced.

8 If any employee, or widow shall be denied compensation by
9 such county under the aforesaid Acts, or if such county shall
10 fail to act, such denial or failure to act shall not be
11 considered final until the claim has been adjudicated by the
12 Illinois Workers' Compensation Commission.

13 (d) Before any action may be taken by the board on an
14 application for duty disability benefit or widow's
15 compensation or supplemental benefit, other than rejection of
16 any such application that is otherwise incomplete or untimely,
17 the related applicant must file a timely claim under the
18 Workers' Compensation Act or the Workers' Occupational
19 Diseases Act, as applicable, to establish that the disability
20 or death resulted from an injury incurred in the performance of
21 an act or acts of duty, and the applicant must receive
22 compensation or payment from the claim or the claim must
23 otherwise be finally adjudicated.

24 (Source: P.A. 93-721, eff. 1-1-05.)

25 (40 ILCS 5/10-103) (from Ch. 108 1/2, par. 10-103)

1 Sec. 10-103. Members, contributions and benefits. The
2 board shall cause the same deductions to be made from salaries
3 and, subject to Section 10-109, allow the same annuities,
4 refunds and benefits for employees of the district as are made
5 and allowed for employees of the county.

6 (Source: P.A. 81-1536.)

7 (40 ILCS 5/10-109 new)

8 Sec. 10-109. Felony conviction. None of the benefits
9 provided in this Article shall be paid to any person who is
10 convicted of any felony relating to or arising out of or in
11 connection with his service as an employee.

12 This Section shall not operate to impair any contract or
13 vested right heretofore acquired under any law or laws
14 continued in this Article, nor to preclude the right to a
15 refund.

16 All future entrants entering service after the effective
17 date of this amendatory Act of the 95th General Assembly shall
18 be deemed to have consented to the provisions of this Section
19 as a condition of coverage.

20 (40 ILCS 5/11-158) (from Ch. 108 1/2, par. 11-158)

21 Sec. 11-158. When disability benefit not payable.

22 (a) If an employee receiving duty or ordinary disability
23 benefit refuses to submit to examination by a physician
24 appointed by the board, or fails or refuses to consent to and

1 sign an authorization allowing the board to receive copies of
2 or examine the employee's medical and hospital records, or
3 fails or refuses to provide complete information regarding any
4 other employment for compensation he has received since he has
5 become disabled, he shall have no further right to receive the
6 benefit.

7 (b) Disability benefit shall not be paid for any time for
8 which the employee receives any part of his salary or while
9 employed by any public body supported in whole or in part by
10 taxation.

11 (c) Before any action is taken by the Board on an
12 application for a duty disability benefit or a widow's
13 compensation or supplemental benefit, the employee or widow
14 shall file a claim with the employer to establish that the
15 disability or death occurred while the employee was acting
16 within the scope of and in the course of his or her duties.

17 Any amounts provided to the employee or surviving spouse as
18 temporary total disability payments, permanent total
19 disability payments, a lump sum settlement award, or other
20 payment under the Workers' Compensation Act or the Workers'
21 Occupational Diseases Act shall be applied as an offset to the
22 disability benefit paid by the Fund, whether duty or ordinary,
23 or any widow compensation or supplemental benefit payable under
24 this Article until a period of time has elapsed when the
25 benefit payable equals the amount of such compensation,
26 payment, or award. The duty disability benefit shall be offset

1 at the rate of the amount of temporary total disability
2 payments or permanent disability payments made under the
3 Workers' Compensation Act or the Workers' Occupational
4 Diseases Act.

5 If such amounts are not readily determinable or if an
6 employee has not received temporary total disability payments
7 or permanent weekly or monthly payments for the entire period
8 of disability up to the time of the compensation, payment, or
9 award under the Workers' Compensation Act or the Workers'
10 Occupational Diseases Act, the disability benefit paid by the
11 Fund shall be offset by 66 2/3% of the employee's salary on the
12 date of disablement. The offset shall not be greater than the
13 amount of disability benefits due from the Fund. The offset
14 shall be applied until a period of time has elapsed when the
15 benefit payable equals the amount of such compensation,
16 payment, or award. This offset shall not apply to the initial
17 days of disability when workers' compensation would not
18 ordinarily be payable.

19 The amount of compensation or supplemental annuity payable
20 to a widow shall be offset by any compensation, payment, or
21 award until a period of time has elapsed when the benefit
22 payable equals the amount of such compensation, payment, or
23 award.

24 If an employee who has been disabled has received ordinary
25 disability from the Fund and also receives any compensation or
26 payment for specific loss, disability, or death under the

1 Workers' Compensation Act or the Workers' Occupational
2 Diseases Act, then the ordinary disability benefit must be
3 repaid to the Fund before any other benefit under this Article
4 may be granted or paid. If no other benefit is applied for,
5 then the ordinary disability is offset according to the
6 provisions of this Section.

7 The employee and the employer shall provide the Fund, on a
8 timely basis, with the entry of the settlement contract lump
9 sum petition and order settlement of any such lawsuit,
10 including all details of the settlement.

11 ~~If an employee who shall be disabled or his widow receives~~
12 ~~any compensation or payment from the city for specific loss,~~
13 ~~disability or death under the Workers' Compensation Act, or~~
14 ~~Workers' Occupational Diseases Act, and the disability or~~
15 ~~injury or loss which forms the basis for any compensation,~~
16 ~~award, pension or payment for a specific loss is also a~~
17 ~~condition which renders such employee incapable of performing~~
18 ~~his duties in the service, the disability benefit shall be~~
19 ~~reduced by any amount so received if such amount is less than~~
20 ~~the benefit or, subject to adjustment when final determination~~
21 ~~of the amount received can be made, the amount estimated to be~~
22 ~~received under the provisions of the Workers' Compensation Act~~
23 ~~or Workers' Occupational Diseases Act. If the amount received~~
24 ~~as compensation, payment or award under the aforesaid Acts~~
25 ~~exceeds the disability benefit, no payment of benefit shall be~~
26 ~~made until a period of time has elapsed when the benefit~~

1 ~~payable at the rate herein stated equals the amount of such~~
2 ~~compensation, payment or award. In calculating any such period~~
3 ~~of time, interest upon the amounts involved shall not be~~
4 ~~considered.~~

5 (d) An employee who enters service after December 31, 1987,
6 or an employee who makes application for a disability benefit
7 or applies for a disability benefit for a recurrence of a
8 previous disability, and who, while in receipt of an ordinary
9 or duty disability benefit, assumes any employment for
10 compensation, shall not be entitled to receive any amount of
11 such disability benefit which, when added to his compensation
12 for such employment during disability, plus any amount payable
13 under the provisions of the Workers' Compensation Act or
14 Workers' Occupational Diseases Act, would exceed the rate of
15 salary on which his disability benefit is based.

16 (Source: P.A. 85-964.)

17 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

18 Sec. 14-110. Alternative retirement annuity.

19 (a) Any member who has withdrawn from service with not less
20 than 20 years of eligible creditable service and has attained
21 age 55, and any member who has withdrawn from service with not
22 less than 25 years of eligible creditable service and has
23 attained age 50, regardless of whether the attainment of either
24 of the specified ages occurs while the member is still in
25 service, shall be entitled to receive at the option of the

1 member, in lieu of the regular or minimum retirement annuity, a
2 retirement annuity computed as follows:

3 (i) for periods of service as a noncovered employee: if
4 retirement occurs on or after January 1, 2001, 3% of final
5 average compensation for each year of creditable service;
6 if retirement occurs before January 1, 2001, 2 1/4% of
7 final average compensation for each of the first 10 years
8 of creditable service, 2 1/2% for each year above 10 years
9 to and including 20 years of creditable service, and 2 3/4%
10 for each year of creditable service above 20 years; and

11 (ii) for periods of eligible creditable service as a
12 covered employee: if retirement occurs on or after January
13 1, 2001, 2.5% of final average compensation for each year
14 of creditable service; if retirement occurs before January
15 1, 2001, 1.67% of final average compensation for each of
16 the first 10 years of such service, 1.90% for each of the
17 next 10 years of such service, 2.10% for each year of such
18 service in excess of 20 but not exceeding 30, and 2.30% for
19 each year in excess of 30.

20 Such annuity shall be subject to a maximum of 75% of final
21 average compensation if retirement occurs before January 1,
22 2001 or to a maximum of 80% of final average compensation if
23 retirement occurs on or after January 1, 2001.

24 These rates shall not be applicable to any service
25 performed by a member as a covered employee which is not
26 eligible creditable service. Service as a covered employee

1 which is not eligible creditable service shall be subject to
2 the rates and provisions of Section 14-108.

3 (b) For the purpose of this Section, "eligible creditable
4 service" means creditable service resulting from service in one
5 or more of the following positions:

6 (1) State policeman;

7 (2) fire fighter in the fire protection service of a
8 department;

9 (3) air pilot;

10 (4) special agent;

11 (5) investigator for the Secretary of State;

12 (6) conservation police officer;

13 (7) investigator for the Department of Revenue;

14 (8) security employee of the Department of Human
15 Services;

16 (9) Central Management Services security police
17 officer;

18 (10) security employee of the Department of
19 Corrections or the Department of Juvenile Justice;

20 (11) dangerous drugs investigator;

21 (12) investigator for the Department of State Police;

22 (13) investigator for the Office of the Attorney
23 General;

24 (14) controlled substance inspector;

25 (15) investigator for the Office of the State's
26 Attorneys Appellate Prosecutor;

- 1 (16) Commerce Commission police officer;
- 2 (17) arson investigator;
- 3 (18) State highway maintenance worker.

4 A person employed in one of the positions specified in this
5 subsection is entitled to eligible creditable service for
6 service credit earned under this Article while undergoing the
7 basic police training course approved by the Illinois Law
8 Enforcement Training Standards Board, if completion of that
9 training is required of persons serving in that position. For
10 the purposes of this Code, service during the required basic
11 police training course shall be deemed performance of the
12 duties of the specified position, even though the person is not
13 a sworn peace officer at the time of the training.

14 (c) For the purposes of this Section:

15 (1) The term "state policeman" includes any title or
16 position in the Department of State Police that is held by
17 an individual employed under the State Police Act.

18 (2) The term "fire fighter in the fire protection
19 service of a department" includes all officers in such fire
20 protection service including fire chiefs and assistant
21 fire chiefs.

22 (3) The term "air pilot" includes any employee whose
23 official job description on file in the Department of
24 Central Management Services, or in the department by which
25 he is employed if that department is not covered by the
26 Personnel Code, states that his principal duty is the

1 operation of aircraft, and who possesses a pilot's license;
2 however, the change in this definition made by this
3 amendatory Act of 1983 shall not operate to exclude any
4 noncovered employee who was an "air pilot" for the purposes
5 of this Section on January 1, 1984.

6 (4) The term "special agent" means any person who by
7 reason of employment by the Division of Narcotic Control,
8 the Bureau of Investigation or, after July 1, 1977, the
9 Division of Criminal Investigation, the Division of
10 Internal Investigation, the Division of Operations, or any
11 other Division or organizational entity in the Department
12 of State Police is vested by law with duties to maintain
13 public order, investigate violations of the criminal law of
14 this State, enforce the laws of this State, make arrests
15 and recover property. The term "special agent" includes any
16 title or position in the Department of State Police that is
17 held by an individual employed under the State Police Act.

18 (5) The term "investigator for the Secretary of State"
19 means any person employed by the Office of the Secretary of
20 State and vested with such investigative duties as render
21 him ineligible for coverage under the Social Security Act
22 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
23 218(1)(1) of that Act.

24 A person who became employed as an investigator for the
25 Secretary of State between January 1, 1967 and December 31,
26 1975, and who has served as such until attainment of age

1 60, either continuously or with a single break in service
2 of not more than 3 years duration, which break terminated
3 before January 1, 1976, shall be entitled to have his
4 retirement annuity calculated in accordance with
5 subsection (a), notwithstanding that he has less than 20
6 years of credit for such service.

7 (6) The term "Conservation Police Officer" means any
8 person employed by the Division of Law Enforcement of the
9 Department of Natural Resources and vested with such law
10 enforcement duties as render him ineligible for coverage
11 under the Social Security Act by reason of Sections
12 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
13 term "Conservation Police Officer" includes the positions
14 of Chief Conservation Police Administrator and Assistant
15 Conservation Police Administrator.

16 (7) The term "investigator for the Department of
17 Revenue" means any person employed by the Department of
18 Revenue and vested with such investigative duties as render
19 him ineligible for coverage under the Social Security Act
20 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
21 218(1)(1) of that Act.

22 (8) The term "security employee of the Department of
23 Human Services" means any person employed by the Department
24 of Human Services who (i) is employed at the Chester Mental
25 Health Center and has daily contact with the residents
26 thereof, (ii) is employed within a security unit at a

1 facility operated by the Department and has daily contact
2 with the residents of the security unit, (iii) is employed
3 at a facility operated by the Department that includes a
4 security unit and is regularly scheduled to work at least
5 50% of his or her working hours within that security unit,
6 or (iv) is a mental health police officer. "Mental health
7 police officer" means any person employed by the Department
8 of Human Services in a position pertaining to the
9 Department's mental health and developmental disabilities
10 functions who is vested with such law enforcement duties as
11 render the person ineligible for coverage under the Social
12 Security Act by reason of Sections 218(d)(5)(A),
13 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
14 means that portion of a facility that is devoted to the
15 care, containment, and treatment of persons committed to
16 the Department of Human Services as sexually violent
17 persons, persons unfit to stand trial, or persons not
18 guilty by reason of insanity. With respect to past
19 employment, references to the Department of Human Services
20 include its predecessor, the Department of Mental Health
21 and Developmental Disabilities.

22 The changes made to this subdivision (c)(8) by Public
23 Act 92-14 apply to persons who retire on or after January
24 1, 2001, notwithstanding Section 1-103.1.

25 (9) "Central Management Services security police
26 officer" means any person employed by the Department of

1 Central Management Services who is vested with such law
2 enforcement duties as render him ineligible for coverage
3 under the Social Security Act by reason of Sections
4 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

5 (10) For a member who first became an employee under
6 this Article before July 1, 2005, the term "security
7 employee of the Department of Corrections or the Department
8 of Juvenile Justice" means any employee of the Department
9 of Corrections or the Department of Juvenile Justice or the
10 former Department of Personnel, and any member or employee
11 of the Prisoner Review Board, who has daily contact with
12 inmates or youth by working within a correctional facility
13 or Juvenile facility operated by the Department of Juvenile
14 Justice or who is a parole officer or an employee who has
15 direct contact with committed persons in the performance of
16 his or her job duties. For a member who first becomes an
17 employee under this Article on or after July 1, 2005, the
18 term means an employee of the Department of Corrections or
19 the Department of Juvenile Justice who is any of the
20 following: (i) officially headquartered at a correctional
21 facility or Juvenile facility operated by the Department of
22 Juvenile Justice, (ii) a parole officer, (iii) a member of
23 the apprehension unit, (iv) a member of the intelligence
24 unit, (v) a member of the sort team, or (vi) an
25 investigator.

26 (11) The term "dangerous drugs investigator" means any

1 person who is employed as such by the Department of Human
2 Services.

3 (12) The term "investigator for the Department of State
4 Police" means a person employed by the Department of State
5 Police who is vested under Section 4 of the Narcotic
6 Control Division Abolition Act with such law enforcement
7 powers as render him ineligible for coverage under the
8 Social Security Act by reason of Sections 218(d)(5)(A),
9 218(d)(8)(D) and 218(1)(1) of that Act.

10 (13) "Investigator for the Office of the Attorney
11 General" means any person who is employed as such by the
12 Office of the Attorney General and is vested with such
13 investigative duties as render him ineligible for coverage
14 under the Social Security Act by reason of Sections
15 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
16 the period before January 1, 1989, the term includes all
17 persons who were employed as investigators by the Office of
18 the Attorney General, without regard to social security
19 status.

20 (14) "Controlled substance inspector" means any person
21 who is employed as such by the Department of Professional
22 Regulation and is vested with such law enforcement duties
23 as render him ineligible for coverage under the Social
24 Security Act by reason of Sections 218(d)(5)(A),
25 218(d)(8)(D) and 218(1)(1) of that Act. The term
26 "controlled substance inspector" includes the Program

1 Executive of Enforcement and the Assistant Program
2 Executive of Enforcement.

3 (15) The term "investigator for the Office of the
4 State's Attorneys Appellate Prosecutor" means a person
5 employed in that capacity on a full time basis under the
6 authority of Section 7.06 of the State's Attorneys
7 Appellate Prosecutor's Act.

8 (16) "Commerce Commission police officer" means any
9 person employed by the Illinois Commerce Commission who is
10 vested with such law enforcement duties as render him
11 ineligible for coverage under the Social Security Act by
12 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
13 218(1)(1) of that Act.

14 (17) "Arson investigator" means any person who is
15 employed as such by the Office of the State Fire Marshal
16 and is vested with such law enforcement duties as render
17 the person ineligible for coverage under the Social
18 Security Act by reason of Sections 218(d)(5)(A),
19 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
20 employed as an arson investigator on January 1, 1995 and is
21 no longer in service but not yet receiving a retirement
22 annuity may convert his or her creditable service for
23 employment as an arson investigator into eligible
24 creditable service by paying to the System the difference
25 between the employee contributions actually paid for that
26 service and the amounts that would have been contributed if

1 the applicant were contributing at the rate applicable to
2 persons with the same social security status earning
3 eligible creditable service on the date of application.

4 (18) The term "State highway maintenance worker" means
5 a person who is either of the following:

6 (i) A person employed on a full-time basis by the
7 Illinois Department of Transportation in the position
8 of highway maintainer, highway maintenance lead
9 worker, highway maintenance lead/lead worker, heavy
10 construction equipment operator, power shovel
11 operator, or bridge mechanic; and whose principal
12 responsibility is to perform, on the roadway, the
13 actual maintenance necessary to keep the highways that
14 form a part of the State highway system in serviceable
15 condition for vehicular traffic.

16 (ii) A person employed on a full-time basis by the
17 Illinois State Toll Highway Authority in the position
18 of equipment operator/laborer H-4, equipment
19 operator/laborer H-6, welder H-4, welder H-6,
20 mechanical/electrical H-4, mechanical/electrical H-6,
21 water/sewer H-4, water/sewer H-6, sign maker/hanger
22 H-4, sign maker/hanger H-6, roadway lighting H-4,
23 roadway lighting H-6, structural H-4, structural H-6,
24 painter H-4, or painter H-6; and whose principal
25 responsibility is to perform, on the roadway, the
26 actual maintenance necessary to keep the Authority's

1 tollways in serviceable condition for vehicular
2 traffic.

3 (d) A security employee of the Department of Corrections or
4 the Department of Juvenile Justice, and a security employee of
5 the Department of Human Services who is not a mental health
6 police officer, shall not be eligible for the alternative
7 retirement annuity provided by this Section unless he or she
8 meets the following minimum age and service requirements at the
9 time of retirement:

10 (i) 25 years of eligible creditable service and age 55;

11 or

12 (ii) beginning January 1, 1987, 25 years of eligible
13 creditable service and age 54, or 24 years of eligible
14 creditable service and age 55; or

15 (iii) beginning January 1, 1988, 25 years of eligible
16 creditable service and age 53, or 23 years of eligible
17 creditable service and age 55; or

18 (iv) beginning January 1, 1989, 25 years of eligible
19 creditable service and age 52, or 22 years of eligible
20 creditable service and age 55; or

21 (v) beginning January 1, 1990, 25 years of eligible
22 creditable service and age 51, or 21 years of eligible
23 creditable service and age 55; or

24 (vi) beginning January 1, 1991, 25 years of eligible
25 creditable service and age 50, or 20 years of eligible
26 creditable service and age 55.

1 Persons who have service credit under Article 16 of this
2 Code for service as a security employee of the Department of
3 Corrections or the Department of Juvenile Justice, or the
4 Department of Human Services in a position requiring
5 certification as a teacher may count such service toward
6 establishing their eligibility under the service requirements
7 of this Section; but such service may be used only for
8 establishing such eligibility, and not for the purpose of
9 increasing or calculating any benefit.

10 (e) If a member enters military service while working in a
11 position in which eligible creditable service may be earned,
12 and returns to State service in the same or another such
13 position, and fulfills in all other respects the conditions
14 prescribed in this Article for credit for military service,
15 such military service shall be credited as eligible creditable
16 service for the purposes of the retirement annuity prescribed
17 in this Section.

18 (f) For purposes of calculating retirement annuities under
19 this Section, periods of service rendered after December 31,
20 1968 and before October 1, 1975 as a covered employee in the
21 position of special agent, conservation police officer, mental
22 health police officer, or investigator for the Secretary of
23 State, shall be deemed to have been service as a noncovered
24 employee, provided that the employee pays to the System prior
25 to retirement an amount equal to (1) the difference between the
26 employee contributions that would have been required for such

1 service as a noncovered employee, and the amount of employee
2 contributions actually paid, plus (2) if payment is made after
3 July 31, 1987, regular interest on the amount specified in item
4 (1) from the date of service to the date of payment.

5 For purposes of calculating retirement annuities under
6 this Section, periods of service rendered after December 31,
7 1968 and before January 1, 1982 as a covered employee in the
8 position of investigator for the Department of Revenue shall be
9 deemed to have been service as a noncovered employee, provided
10 that the employee pays to the System prior to retirement an
11 amount equal to (1) the difference between the employee
12 contributions that would have been required for such service as
13 a noncovered employee, and the amount of employee contributions
14 actually paid, plus (2) if payment is made after January 1,
15 1990, regular interest on the amount specified in item (1) from
16 the date of service to the date of payment.

17 (g) A State policeman may elect, not later than January 1,
18 1990, to establish eligible creditable service for up to 10
19 years of his service as a policeman under Article 3, by filing
20 a written election with the Board, accompanied by payment of an
21 amount to be determined by the Board, equal to (i) the
22 difference between the amount of employee and employer
23 contributions transferred to the System under Section 3-110.5,
24 and the amounts that would have been contributed had such
25 contributions been made at the rates applicable to State
26 policemen, plus (ii) interest thereon at the effective rate for

1 each year, compounded annually, from the date of service to the
2 date of payment.

3 Subject to the limitation in subsection (i), a State
4 policeman may elect, not later than July 1, 1993, to establish
5 eligible creditable service for up to 10 years of his service
6 as a member of the County Police Department under Article 9, by
7 filing a written election with the Board, accompanied by
8 payment of an amount to be determined by the Board, equal to
9 (i) the difference between the amount of employee and employer
10 contributions transferred to the System under Section 9-121.10
11 and the amounts that would have been contributed had those
12 contributions been made at the rates applicable to State
13 policemen, plus (ii) interest thereon at the effective rate for
14 each year, compounded annually, from the date of service to the
15 date of payment.

16 (h) Subject to the limitation in subsection (i), a State
17 policeman or investigator for the Secretary of State may elect
18 to establish eligible creditable service for up to 12 years of
19 his service as a policeman under Article 5, by filing a written
20 election with the Board on or before January 31, 1992, and
21 paying to the System by January 31, 1994 an amount to be
22 determined by the Board, equal to (i) the difference between
23 the amount of employee and employer contributions transferred
24 to the System under Section 5-236, and the amounts that would
25 have been contributed had such contributions been made at the
26 rates applicable to State policemen, plus (ii) interest thereon

1 at the effective rate for each year, compounded annually, from
2 the date of service to the date of payment.

3 Subject to the limitation in subsection (i), a State
4 policeman, conservation police officer, or investigator for
5 the Secretary of State may elect to establish eligible
6 creditable service for up to 10 years of service as a sheriff's
7 law enforcement employee under Article 7, by filing a written
8 election with the Board on or before January 31, 1993, and
9 paying to the System by January 31, 1994 an amount to be
10 determined by the Board, equal to (i) the difference between
11 the amount of employee and employer contributions transferred
12 to the System under Section 7-139.7, and the amounts that would
13 have been contributed had such contributions been made at the
14 rates applicable to State policemen, plus (ii) interest thereon
15 at the effective rate for each year, compounded annually, from
16 the date of service to the date of payment.

17 Subject to the limitation in subsection (i), a State
18 policeman, conservation police officer, or investigator for
19 the Secretary of State may elect to establish eligible
20 creditable service for up to 5 years of service as a police
21 officer under Article 3, a policeman under Article 5, a
22 sheriff's law enforcement employee under Article 7, a member of
23 the county police department under Article 9, or a police
24 officer under Article 15 by filing a written election with the
25 Board and paying to the System an amount to be determined by
26 the Board, equal to (i) the difference between the amount of

1 employee and employer contributions transferred to the System
2 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
3 and the amounts that would have been contributed had such
4 contributions been made at the rates applicable to State
5 policemen, plus (ii) interest thereon at the effective rate for
6 each year, compounded annually, from the date of service to the
7 date of payment.

8 (i) The total amount of eligible creditable service
9 established by any person under subsections (g), (h), (j), (k),
10 and (l) of this Section shall not exceed 12 years.

11 (j) Subject to the limitation in subsection (i), an
12 investigator for the Office of the State's Attorneys Appellate
13 Prosecutor or a controlled substance inspector may elect to
14 establish eligible creditable service for up to 10 years of his
15 service as a policeman under Article 3 or a sheriff's law
16 enforcement employee under Article 7, by filing a written
17 election with the Board, accompanied by payment of an amount to
18 be determined by the Board, equal to (1) the difference between
19 the amount of employee and employer contributions transferred
20 to the System under Section 3-110.6 or 7-139.8, and the amounts
21 that would have been contributed had such contributions been
22 made at the rates applicable to State policemen, plus (2)
23 interest thereon at the effective rate for each year,
24 compounded annually, from the date of service to the date of
25 payment.

26 (k) Subject to the limitation in subsection (i) of this

1 Section, an alternative formula employee may elect to establish
2 eligible creditable service for periods spent as a full-time
3 law enforcement officer or full-time corrections officer
4 employed by the federal government or by a state or local
5 government located outside of Illinois, for which credit is not
6 held in any other public employee pension fund or retirement
7 system. To obtain this credit, the applicant must file a
8 written application with the Board by March 31, 1998,
9 accompanied by evidence of eligibility acceptable to the Board
10 and payment of an amount to be determined by the Board, equal
11 to (1) employee contributions for the credit being established,
12 based upon the applicant's salary on the first day as an
13 alternative formula employee after the employment for which
14 credit is being established and the rates then applicable to
15 alternative formula employees, plus (2) an amount determined by
16 the Board to be the employer's normal cost of the benefits
17 accrued for the credit being established, plus (3) regular
18 interest on the amounts in items (1) and (2) from the first day
19 as an alternative formula employee after the employment for
20 which credit is being established to the date of payment.

21 (1) Subject to the limitation in subsection (i), a security
22 employee of the Department of Corrections may elect, not later
23 than July 1, 1998, to establish eligible creditable service for
24 up to 10 years of his or her service as a policeman under
25 Article 3, by filing a written election with the Board,
26 accompanied by payment of an amount to be determined by the

1 Board, equal to (i) the difference between the amount of
2 employee and employer contributions transferred to the System
3 under Section 3-110.5, and the amounts that would have been
4 contributed had such contributions been made at the rates
5 applicable to security employees of the Department of
6 Corrections, plus (ii) interest thereon at the effective rate
7 for each year, compounded annually, from the date of service to
8 the date of payment.

9 (m) The amendatory changes to this Section made by this
10 amendatory Act of the 94th General Assembly apply only to: (1)
11 security employees of the Department of Juvenile Justice
12 employed by the Department of Corrections before the effective
13 date of this amendatory Act of the 94th General Assembly and
14 transferred to the Department of Juvenile Justice by this
15 amendatory Act of the 94th General Assembly; and (2) persons
16 employed by the Department of Juvenile Justice on or after the
17 effective date of this amendatory Act of the 94th General
18 Assembly who are required by subsection (b) of Section 3-2.5-15
19 of the Unified Code of Corrections to have a bachelor's or
20 advanced degree from an accredited college or university with a
21 specialization in criminal justice, education, psychology,
22 social work, or a closely related social science or, in the
23 case of persons who provide vocational training, who are
24 required to have adequate knowledge in the skill for which they
25 are providing the vocational training.

26 (n) A person employed in a position under subsection (b) of

1 this Section who has purchased service credit under subsection
2 (j) of Section 14-104 or subsection (b) of Section 14-105 in
3 any other capacity under this Article may convert up to 5 years
4 of that service credit into service credit covered under this
5 Section by paying to the Fund an amount equal to (1) the
6 additional employee contribution required under Section
7 14-133, plus (2) the additional employer contribution required
8 under Section 14-131, plus (3) interest on items (1) and (2) at
9 the actuarially assumed rate from the date of the service to
10 the date of payment.

11 (Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06; 95-530,
12 eff. 8-28-07.)

13 Section 90. The State Mandates Act is amended by adding
14 Section 8.32 as follows:

15 (30 ILCS 805/8.32 new)

16 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8
17 of this Act, no reimbursement by the State is required for the
18 implementation of any mandate created by this amendatory Act of
19 the 95th General Assembly.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.